

BP0309US-CP1

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II. REMARKS**A. Comments on the Amendment to the Specification**

The amendment to the specification is offered to correct various clerical errors. Entry of the amendment is requested. New matter is not believed to have been added.

B. Comments on the Amendment to the Claims

Claims 1-6 were previously canceled in response to the restriction requirement dated December 18, 2005. Allowed claims 7-20 are canceled. New claims 21 to 31 are presented to more distinctly claim subject matter for which Applicants seek letters patent. Antecedent basis for these new claims can be found throughout the specification as filed, but in particular in claims 1-13 as originally filed as well as in the application as follows:

- i) Claim 21: Page 23, line 18 to page 24, line 11
- ii) Claims 29, 39, 49 & 60: Page 22, line 8-17
- iii) Claims 30, 40, 50 & 61: Page 23, line 18 to 24
- iv) Claim 31: Page 23, line 18 to page 24, line 11
- v) Claim 41: Page 23, line 18 to page 24, line 11
- vi) Claim 51: Page 23, line 18 to page 24, line 11
- vii) Claim 62: Page 19, lines 2-15

New matter is not believed to have been added.

C. Comments on the Examiner's Reasons For Allowance

At page 2 of the Office response dated September 12, 2006 under the heading: "REASONS FOR ALLOWANCE", it states: "Reference WO2004/070352 (citation **BQ** in the IDS of October 3, 2005) qualifies as 103(a) prior art."

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Respectfully, it is disputed that WO2004/070352 qualifies as 35 U.S.C. §103(a) or 35 U.S.C. §102(e) prior art. The publication WO2004/070352 does not list the United States as a designated country and therefore does not qualify as 35 U.S.C. §102(e) prior art. Because it is not 35 U.S.C. §102(e) prior art, this publication also cannot be considered art for the purposes of 35 U.S.C. §103(a).

IV. INTERVIEW

It is believed that the application is in condition for allowance. If the Examiner believes a telephonic or personal interview would advance the prosecution of the subject application, the Examiner is invited to contact attorney Gildea during business hours at the telephone or facsimile numbers listed below.

V. FEES

A request for continued examination (RCE) under 37 C.F.R. § 1.114 and authorization to deduct the appropriate fee also accompanies this paper. According to the Filing Receipt, Applicants have paid for 13 total claims and 2 independent claims. Upon entry of this Amendment, this application will contain 11 total claims and 2 independent claims. Accordingly, it is believed that no additional fee is due for consideration of this Amendment.

If however the Office disagrees with this analysis, the Office is hereby authorized to deduct any appropriate fee for entry and consideration of this Amendment from Deposit Account 01-2213 (Invoice No. BP0309US-CP1). A duplicate of this page is included with this submission.

VII. CORRESPONDENCE/CUSTOMER NUMBER

Please send all correspondence pertaining to this document to:

Brian D. Gildea, Esq.
Applied Biosystems
500 Old Connecticut Path
Framingham, MA 01701

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DUPLICATE

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IF NOT ALREADY DONE, PLEASE ASSOCIATE THIS CASE WITH
CUSTOMER NUMBER

23544

Respectfully submitted
on behalf of Applicants,

12/12/06
Date

Brian D. Gildea
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